

North Dakota Board of Nursing Meeting Minutes – May 20, 2010

Call to Order: May 20, 2010 at 8:30 a.m. – Board of Nursing Conference Room, 919 S 7th Street Ste 504 Bismarck ND

Roll Call: Eight board members present as follows:

Nelson (Buzz) Benson, RN, President	Julie Traynor, RN, Vice-President
Charlene Christianson, RN, Treasurer	JoAnn Sund, RN
Daniel Rustvang, RN	Elizabeth Anderson, LPN
Karen LaLonde, Public Member	Melissa Frank, LPN

Staff Present:

Constance Kalanek, RN, Executive Director	Karla Bitz, RN, Associate Director
Patricia Hill, RN, Asst. Director for Practice & Discipline	Julie Schwan, Admin Services Coordinator
Linda Shanta, RN, Associate Director for Education	

AGENDA	ACTION
1.1 Consent Agenda	<p><i>Discussion:</i> The board reviewed the consent agenda. No items were identified for discussion.</p> <p><i>Motion:</i> Anderson, seconded by Traynor to: ADOPT THE CONSENT AGENDA AS PRESENTED.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.</p>
1.2 Agenda	<p><i>Discussion:</i> The agenda was reviewed as distributed. Agenda item 7.53.2 Report on Registration of Health Care Professionals Study Workgroup will be discussed at 3:35 p.m.</p> <p><i>Motion:</i> Traynor, seconded by Sund to: APPROVE THE AGENDA AS REORDERED.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.</p>
1.3 Open Forum 9:00 a.m.	No one was present to address the board during open forum.
2.1 January 14, 2010 Meeting Minutes	<p><i>Discussion:</i> The minutes of the March 11, 2010 meeting were reviewed. No changes were identified.</p> <p><i>Motion:</i> Sund, seconded by Traynor to: APPROVE THE MINUTES OF THE MARCH 11, 2010 MEETING AS DISTRIBUTED.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.</p>
3.1 Financial Statements	Financial Statements through April 30, 2010 were reviewed. The board reviewed the comparison in actual expenditures to date from last year to this year. Actual Income is at 98% and actual expenses were at 85% of budgeted.
3.2 Strategic Plan	The final report for the current strategic plan will be available at the July meeting.
3.3 Revisions to Bylaws	<p><i>Discussion:</i> The board reviewed proposed revisions to the bylaws to address the appointment of external nursing community representative appointees and the term and to add a new Technology Committee to the bylaws. The proposed revisions limit the appointment of the terms to no more than two consecutive terms on a committee.</p> <p><i>Motion:</i> Sund, seconded by Traynor to: APPROVE THE PROPOSED REVISIONS TO THE BYLAWS TO DEFINE THE TERMS OF EXTERNAL COMMITTEE MEMBERS AND ADD A TECHNOLOGY COMMITTEE.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.</p>
3.4 Otto Bremer Foundation- Center for Nursing	Staff reported that they had met with a representative from the Otto Bremer Foundation regarding the grant application for the Center for Nursing. The board office expects to receive notification by the end of May whether the grant funding is approved.
3.5 Proposed budget for 2010-2011	<p><i>Discussion:</i> The Finance Committee met on April 22, 2010 to prepare a 2010-2011 proposed budget. The committee reviewed the 2009-2010 financial reports to date, and an overview of the fund balance. The committee reviewed proposed income and expenses for each budgeted category and reviewed five year history for income and expense. The committee reviewed proposed revisions to the board's compensation plan which moves employees to the midpoint of the salary range within four years of classification. Other revisions define and clarify expectations for merit pay increases.</p> <p><i>Motion from the Finance Committee to:</i> RECOMMEND TO THE BOARD TO APPROVE THE PROPOSED REVISIONS TO THE COMPENSATION PLAN.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.</p>

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3.5 Proposed budget for 2010-2011 (continued)	<p><i>Discussion:</i> The board reviewed the proposed budget for 2010-2011. The program monitoring committee met on May 19th and proposes three committee meetings instead of the one meeting that was included in the proposed budget. The committee agreed to increase the board committee budget by \$1000 to allow for the additional committee meetings.</p> <p><i>Motion:</i> Christianson, seconded by Traynor to: RECOMMEND THAT THE BOARD APPROVE THE PROPOSED 2010-2011 BUDGET OF \$993,620 PROJECTED INCOME AND \$1,008,740 PROJECTED EXPENSES, WHICH INCLUDES \$67,000 DESIGNATED FOR NURSING EDUCATION LOANS.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.</p>																																													
4.1 Administrative Settlements – Practice	<p><i>Discussion:</i> Seven individuals have signed and submitted an administrative settlement for practice without a license/registration since the last meeting. Each was reviewed and considered by the Board.</p> <p><i>Motion:</i> Traynor, seconded by Christianson to: ACCEPT THE ADMINISTRATIVE SETTLEMENTS FOR PRACTICE WITHOUT A LICENSE/REGISTRATION FOR THE FOLLOWING:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">NAME</th> <th style="text-align: left;">Lic/Reg #</th> <th style="text-align: left;">City, State</th> <th style="text-align: left;">Sanction</th> <th style="text-align: left;">Penalty Fee</th> </tr> </thead> <tbody> <tr> <td>Bergren, Linda</td> <td>R28851</td> <td>McClusky, ND</td> <td>Reprimand</td> <td>\$600</td> </tr> <tr> <td>Ganser, Carol</td> <td>UAP applicant</td> <td>Jamestown, ND</td> <td>Reprimand</td> <td>\$200</td> </tr> <tr> <td>Holmstrom, Cassie</td> <td>UAP/MA Applicant</td> <td>Fargo, ND</td> <td>Reprimand</td> <td>\$200</td> </tr> <tr> <td>Keelan, Rozalyn</td> <td>MA Applicant</td> <td>Minot, ND</td> <td>Reprimand</td> <td>\$100</td> </tr> <tr> <td>McKee, Colette</td> <td>UAP/MA105264</td> <td>Mandan, ND</td> <td>Reprimand</td> <td>\$300</td> </tr> <tr> <td>Schoon, Lavon</td> <td>105277UAP/MA</td> <td>Bismarck, ND</td> <td>Reprimand</td> <td>\$500</td> </tr> <tr> <td>Silkey, Sarah</td> <td>MA Applicant</td> <td>Fargo, ND</td> <td>Reprimand</td> <td>\$200</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; LaLonde, yes; Rustvang, yes; Sund, absent; Traynor, yes; 7 yes, 0 no, 1 absent. Motion carried.</p>	NAME	Lic/Reg #	City, State	Sanction	Penalty Fee	Bergren, Linda	R28851	McClusky, ND	Reprimand	\$600	Ganser, Carol	UAP applicant	Jamestown, ND	Reprimand	\$200	Holmstrom, Cassie	UAP/MA Applicant	Fargo, ND	Reprimand	\$200	Keelan, Rozalyn	MA Applicant	Minot, ND	Reprimand	\$100	McKee, Colette	UAP/MA105264	Mandan, ND	Reprimand	\$300	Schoon, Lavon	105277UAP/MA	Bismarck, ND	Reprimand	\$500	Silkey, Sarah	MA Applicant	Fargo, ND	Reprimand	\$200					
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4.41 Stipulation for Settlement – Myia St Peter, L11760	<p><i>Discussion:</i> A Stipulation for Settlement was received from Myia St Peter, LPN, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (3)(5)(6) NDAC 54-02-07-01.1 (8)(9).</p> <p><i>Motion:</i> Sund, seconded by Traynor to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR MIA ST PETER, LPN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ SUSPEND THE LPN LICENSE FOR ONE YEAR; ◆ ASSESS A \$1200 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.</p>																																													
4.42 Stipulation for Settlement – Jordan Herbel, L11032	<p><i>Discussion:</i> A Stipulation for Settlement was received from Jordan Herbel, LPN, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (3)(4)(5)(6) and NDAC 54-02-07-01.1(7)(8)(9). She does not admit to the allegations of the complaint but signed the Stipulation for Settlement for purposes of resolving the matter.</p> <p><i>Motion:</i> Anderson, seconded by LaLonde to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR JORDAN HERBEL, LPN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> • SUSPEND THE RN LICENSE FOR THREE YEARS; • ASSESS A \$2000 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND • OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.</p>																																													
4.43 Stipulation for Settlement – Doreen Homuth, R32181	<p><i>Discussion:</i> A Stipulation for Settlement was received from Doreen Homuth, RN, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (1)(3)(5) and NDAC 54-02-07-01.1 (5)(9).</p>																																													

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AGENDA	ACTION
4.43 Stipulation for Settlement – Doreen Homuth, R32181 (continued)	<p><i>Motion:</i> Traynor, seconded by Christianson to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR DOREEN HOMUTH, RN, AND ENTER ITS ORDER TO: SUSPEND THE RN LICENSE FOR THREE YEARS; HOWEVER, THE SUSPENSION SHALL BE STAYED FOR THREE YEARS, DURING WHICH STAY THE LICENSE SHALL BE ENCUMBERED FOR THREE YEARS UNDER THE TERMS SET OUT IN THE BOARD ORDER;</p> <ul style="list-style-type: none"> ◆ ASSESS A \$600 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.</p>
4.44 Stipulation for Settlement – Elizabeth Soholt, RN License by Endorsement (5/20/10 at 9:30 a.m.)	<p><i>Discussion:</i> A Stipulation for Settlement was received from Elizabeth Soholt, RN Applicant, seeking the Board's consideration and approval of its terms. Ms. Soholt was present via phone for this agenda item. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (2)(4).</p> <p><i>Motion:</i> Anderson, seconded by Rustvang to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR ELIZABETH SOHOLT, RN APPLICANT, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> • ENCUMBER THE LICENSE FOR THREE YEARS WITH PARTICIPATION IN THE WORKPLACE IMPAIRMENT PROGRAM DURING THE PERIOD OF ENCUMBRANCE. • OTHER TERMS AS SET OUT IN BOARD ORDER AND WORKPLACE IMPAIRMENT PROGRAM AGREEMENT. <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.</p>
4.45 Stipulation for Settlement – Rachelle Craigmile, L10669	<p><i>Discussion:</i> A Stipulation for Settlement was received from Rachelle Craigmile, LPN, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (3)(5) and NDAC 54-02-07-01.1 (5)(6)(7).</p> <p><i>Motion:</i> Rustvang, seconded by Traynor to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR RACHELLE CRAIGMILE, LPN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ ENCUMBER THE LICENSE FOR TWO YEARS; ◆ ASSESS A \$600 PENALTY FEE PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.</p>
4.46 Stipulation for Settlement – Nathan Carter, R29031	<p><i>Discussion:</i> A Stipulation for Settlement was received from Nathan Carter, RN, seeking the Board's consideration and approval of its terms. The Board reviewed and discussed the facts and terms of the Stipulation for Settlement for violation of NDCC 43-12.1-14 (3)(5)(6) and NDAC 54-02-07-01.1 (5)(6)(8)(9)(12).</p> <p><i>Motion:</i> Traynor, seconded by LaLonde to: ACCEPT THE TERMS OF THE PROPOSED STIPULATION FOR SETTLEMENT FOR NATHAN CARTER, RN, AND ENTER ITS ORDER TO:</p> <ul style="list-style-type: none"> ◆ SUSPEND THE RN LICENSE FOR TWO YEARS; ◆ ASSESS A PENALTY FEE OF \$1800 PLUS COSTS AND DISBURSEMENTS; AND ◆ OTHER TERMS AS SET OUT IN BOARD ORDER. <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; LaLonde, yes; Rustvang, recuse; Sund, yes; Traynor, yes; 7 yes, 0 no, 1 recuse, 0 absent. Motion carried.</p>
4.71 Request for Reinstatement – Don Maack, R23218	<p><i>Discussion:</i> Don Maack has requested reinstatement of his RN license. The board reviewed the current order and discussed the Disciplinary Review Panel recommendation to reinstate license to full licensure status. The terms and conditions of the board order dated May 18, 2007 and the Workplace Impairment Program Agreement and Waiver dated May 29, 2007 have been successfully completed.</p> <p><i>Motion:</i> Rustvang, seconded by Traynor to: GRANT DON MAACK'S REQUEST FOR UNRESTRICTED LICENSURE STATUS AS HE HAS COMPLIED WITH THE TERMS AND CONDITIONS OF BOARD ORDER DATED MAY 18, 2007 AND CONSENT OF ENTRY INTO WORKPLACE IMPAIRMENT PROGRAM AND WAIVER DATED MAY 29, 2007 PENDING RECEIPT OF CHRC RESULTS.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.</p>

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4.72 Request for Reinstatement – Karen Walker 5/20/2010 9:15 a.m.	<p><i>Discussion:</i> Karen Walker was present for this agenda item and has requested reinstatement of her suspended LPN license and was present to address the board. The board reviewed the current order and discussed the Disciplinary Review Panel recommendation to reinstate her LPN license to encumbered status for two years with participation in Workplace Impairment Program during the period of encumbrance.</p> <p><i>Motion:</i> Sund, seconded by Anderson to: GRANT KAREN WALKER'S REQUEST FOR REINSTATEMENT OF THE SUSPENDED LPN LICENSE TO ENCUMBERED STATUS FOR TWO YEARS WITH PARTICIPATION IN THE WORKPLACE IMPAIRMENT PROGRAM DURING THE PERIOD OF ENCUMBRANCE.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.</p>
4.10.1 – Charlotte Zahn	<p>Charlotte Zahn was available via phone for this agenda item as well as her nurse manager from Trinity Medical Center. Charlotte Zahn submitted an Unlicensed Assistive Person application with a positive response to the criminal history question with a felony charge of theft of property. Ms. Zahn was sentenced to serve 10 years with five years suspended with ten years of supervised probation to follow. Ms. Zahn was released from custody on July 8, 2009. Based on NDCC 43-12.1-14 (1) the disciplinary review panel recommends denial of the application. The board reviewed a letter of support from her employer. It was noted that the position Ms. Zahn currently holds does not require registration as an unlicensed assistive person, but that it is facility policy that requires her to be on the registry.</p> <p><i>Motion:</i> Christianson, seconded by LaLonde to: DENY CHARLOTTE ZAHN'S INITIAL UAP APPLICATION BASED ON NDCC 43-12.1-14 (1).</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.</p>
4.10-2 – Graig Wells	<p><i>Discussion:</i> Graig Wells was present for this agenda item. Mr. Wells was issued a limited and conditional MN license on April 1, 2010. He applied for license by endorsement in ND on April 12, 2010. The disciplinary review panel recommends denial of application due to the limited and conditional licensure status in MN. Mr. Wells addressed the board regarding issues while practicing as a CNA in MN and ND. The board expressed concern to Mr. Wells that he had not attempted to complete the conditions required by the MN Board order. Mr. Wells indicated he had requested an extension from the MN Board of Nursing for completion of the conditions as outlined in the board order, and states he cannot find employment in MN to complete the practice hour requirements of his MN Board order. Board members suggested Mr. Wells work toward meeting the other conditions as outlined in the MN order and would want to see progress toward meeting requirements of the MN Board order.</p> <p><i>Motion:</i> Traynor, seconded by Frank to: DENY GRAIG WELLS APPLICATION FOR LPN LICENSE ENDORSEMENT BASED ON NDCC 43-12.1-14 (2).</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; LaLonde, yes; Rustvang, yes; Sund, recuse; Traynor, yes; 7 yes, 0 no, 1 recuse, 0 absent. Motion carried.</p>
4.10-3 – Breanna Wurgler	<p><i>Discussion:</i> Breanna Wurgler submitted a NNAAP Application with a positive response to the regulatory question related to termination from a job due to conduct that may be grounds for disciplinary action. Ms. Wurgler was terminated for failure to meet standards. The board reviewed and discussed the disciplinary review panel recommendation.</p> <p><i>Motion:</i> Sund, seconded by Anderson to: DENY BREANNA WURGLER'S NNAAP APPLICATION BASED ON NDCC 43-12.1-14 (3)(5).</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.</p>
4.10 - Letter to Mary Wakefield	<p>The board reviewed a letter to Dr. Mary Wakefield of the Dept of Health & Human Services outlining the board's efforts to ensure the integrity of the data in HIPDB. NCSBN is the HIPDB-NPDB agent for the ND Board of Nursing.</p>
4.11.1 Miscellaneous – Christine Roper, R34591	<p>Christine Roper, R34591 of Fargo ND was issued a Notice of Temporary Suspension on April 23, 2010 until retracted, modified, or superseded by final disciplinary action of the Board or upon agreement between Respondent and the Board.</p>
4.11.2 Miscellaneous – Karen Goebel, R33200	<p>Karen Goebel, R33200, of Minneapolis, MN was issued a Notice of Temporary Suspension on May 5, 2010 until respondent submits to the required mental health evaluation.</p>
5.21 Dickinson State University programmatic changes (NEC)	<p><i>Discussion:</i> Dickinson State University has notified the board of two changes related to admission to their nursing education program. The programmatic changes were reviewed by the Nursing Education Committee. The first change related to the deletion of the ACT Composite Score for candidates who do not meet the minimum 2.25 grade point average for admission consideration to the AASPN program, as that criterion has rarely been applicable and/or used in the admission screening process. The second policy change relates to admission screening for international students who apply for the nursing programs. The admission requirements will include assessment of international students' ability to use English as a second language for admission screening. The requirement has been added due to the higher degree of rigor within the nursing education majors and the need for English proficiency to function as an effective member of the healthcare team. The "Admission Requirements for International Students" policy also includes an Enrollment limit of international students, so as not to displace domestic students and maintain effective teaching and learning environments. .</p>

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5.21 Dickinson State University programmatic changes (NEC)	<p><i>Motion from the Nursing Education Committee to:</i> RECOMMENDS THAT THE BOARD APPROVE THE PROPOSED PROGRAMMATIC CHANGE FROM THE DICKINSON STATE UNIVERSITY AS THE PROGRAM HAS FULL APPROVAL FROM THE ND BOARD OF NURSING AND THE PROGRAMMATIC CHANGES ARE IN FULL COMPLIANCE WITH NDAC 54-03.2-06-02.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.</p>
5.31 Baptist Home Medication Assistant II Program	<p><i>Discussion:</i> The Baptist Home has submitted a medication assistant II course for continued approval. Textbooks will be reviewed and updated for the course. The course meets the board's guidelines for medication assistant II courses.</p> <p><i>Motion:</i> Christianson, seconded by Traynor that:</p> <ol style="list-style-type: none"> 1. THE BAPTIST HOME, INC. MEDICATION ASSISTANT PROGRAM MEETS THE REQUIREMENTS FOR MEDICATION ASSISTANT PROGRAM II AS SET BY NDAC CHAPTER 54-07-07 AND 2. THE BOARD OF NURSING GRANT CONTINUED APPROVAL FOR THIS COURSE TO BE OFFERED BY BAPTIST HOME, INC. OF BISMARCK ND FROM MAY 2010 THROUGH MAY 2014. <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.</p>
5.41 2009 CE Audit Report	<p><i>Discussion:</i> The 2009 Continuing Education Audit is complete, and a total of 165 were audited. Two licensees did not meet the requirements and needed to complete the CE after December 31st.</p> <p><i>Motion:</i> Frank, seconded by Anderson to: ACCEPT THE 2009 CONTINUING EDUCATION AUDIT REPORT.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.</p>
5.51 Nurse Faculty Intern Pilot Study	<p>The Nurse Faculty Intern Pilot Study Findings and Recommendations – Final report was presented to the board in a PowerPoint presentation.</p>
5.52 NEL – Interpretation of 54-04.1-04-01	<p><i>Discussion:</i> The board office has received requests from Concordia College faculty who are enrolled in doctoral programs to be able to use employment credit while supervising clinical experience in ND facilities for the nursing education loan program. ND Board of Nursing approves Concordia College, even though it is in the state of MN. Board members indicated no concerns as long as the nursing practice and student supervision was physically in the state of ND.</p> <p><i>Motion:</i> Rustvang, seconded by Frank that: THE BOARD INTERPRET NDAC 54-03.1-04-01 REPAYMENT OF LOAN BY EMPLOYMENT TO INCLUDE HOURS OF FACULTY WHO ARE LICENSED IN ND AND SUPERVISE STUDENT IN ND FACILITIES.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.</p>
5.53 Report of Out-of-State Students	<p>The board reviewed the report of out of state students for spring semester 2010. The total number has increased from 338 in 2009 to 439 in 2010.</p>
5.53-1 Guidelines for Out of State Students	<p><i>Discussion:</i> The board reviewed a proposed revision to the NDBON Guidelines for Out of State Nursing Education Programs Seeking Student nurse Placement in ND to include a requirement for the private schools to contact the ND Dept of Career & Tech Education for authorization to operate in ND. In 2003, the legislatures removed the oversight of out of state nursing programs from the Nurse Practices Act, so the programs need to follow guidelines of the ND Department of Career & Technical Education.</p> <p><i>Motion:</i> Sund, seconded by Christianson to: APPROVE THE PROPOSED REVISIONS TO THE NDBON GUIDELINES FOR OUT OF STATE NURSING EDUCATION PROGRAMS SEEKING STUDENT NURSE PLACEMENT IN ND TO DIRECT THE SCHOOL TO CONTACT ND DEPT OF CAREER & TECH EDUCATION FOR AUTHORIZATION TO OPERATE IN ND ACCORDING TO NDCC CHAPTER 15-20.4-01(10).</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.</p>
6.2 Implementation Plan for Cardless Licensure System – update on progress	<p>The board reviewed an update on the Implementation Plan for the Cardless Licensure System. In October 2010 paper licenses will no longer be issued for those renewing for 2011-2012. The cardless system will be implemented for initial licenses in January 2011 and for UAP/MA in April 2011.</p>

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AGENDA	ACTION
6.3 Guidelines for Violations/Recommended Disciplinary Action Guidelines – 5/29 @ 1:15 p.m.	<p><i>Discussion:</i> Bergeson was present for this agenda item. During the last legislative session, an exemption was put in the practice act allowing a letter of concern for practice without a registration instead of disciplinary action. The practice without a registration continues and the practice act revision has confused employers as to what is required. The disciplinary review panel reviewed the guidelines for practice without a registration and the fee structure. The board reviewed the law related to practice without a license, and the administrative rules related to practice without a license/registration. Surrounding states were surveyed for fee structure and sanctions. The administrative rules currently have a breakdown between disciplinary and non-disciplinary, with practice less than thirty days being non-disciplinary action. The board reviewed a proposal to classify all practice without a license/registration as non-disciplinary action and a set administrative fine no matter how long the practice/registration has occurred. It was suggested that more egregious issues can be dealt with criminally if deemed to be intentional. The board discussed the issue at length, and noted concerns that RN/LPN should be held to a higher level and licensees should be held accountable for being licensed. The board discussed leaving the RN/LPN sanctions as they are in the guidelines, but revising the UAP/MA practice without a registration to be a non-disciplinary action with a letter of concern and a flat administrative fee of \$100.00.</p> <p><i>Motion:</i> Traynor, seconded by Sund to: APPROVE THE PROPOSED REVISIONS TO THE NDBON GUIDELINES FOR PRACTICE WITHOUT A LICENSE/REGISTRATION IN ND TO ISSUE A NON-DISCIPLINARY LETTER OF CONCERN AND ADMINISTRATIVE FEE OF \$100.00 FOR ALL UNLICENSED ASSISTIVE PERSONS AND MEDICATION ASSISTANTS FOR PRACTICE WITHOUT A REGISTRATION.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.</p>
6.4 NNAAP 2009 Technical Report (NCSBN)	NCSBN has distributed a 2009 Technical Report on the National Nurse Aide Assessment Program examinations. Twenty four states use the written examination from Pearson and twenty-three states use the skills examination. The pass rate for the national level is Written (91%) and Skills Demonstration (79%). The ND pass rate for the written examination and the skills demonstration were 96% for the written and 92% for the skills demonstration. Three ND registered nurses, Beth Hetletved, Charlene Christianson, and Julie Hanson attended a NNAAP Item Writing and Item Review Workshop hosted by NCSBN.
7.11 Update of Discussions with NDDH related to Med Screening of OB Patients	No update as the task force has not met since the last meeting.
7.12 CMS Rule of Physician Supervision of Outpatient Services	CMS has rescinded the direct supervision requirement for Critical Access Hospitals.
7.13 Request for participation in a qualitative research project – MNBON	<p><i>Discussion:</i> The board has received a request from the MN Board of Nursing to participate in a research pilot project focusing on Nurse Diversion of Drugs. The study will be conducted by Kimberly Miller, PhD student who is a Nurse Practice Specialist for the MN Board of Nursing, and the participants will remain anonymous. The board reviewed the issues of confidentiality and indicated that the information they will be looking for is a list of names, and those individuals can choose to participate.</p> <p><i>Motion:</i> Traynor, seconded by Rustvang to: APPROVE PARTICIPATION IN RESEARCH PILOT PROJECT – NURSE DRUG DIVERSION BY THE KIM MILLER MSN, RN, NURSING PRACTICE SPECIALIST, MN BOARD OF NURSING.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.</p>
7.14 Practice Statement – Administration of Anesthetic Agent	<p><i>Discussion:</i> Meritcare has questioned whether it is within the RN Scope of Practice to administer propofol IV push or drip if the ICU physician is at the bedside intubating the patient and orders propofol just prior to or during intubation. The current practice statement only allows administration of propofol by an RN if there is a secured airway. The board reviewed other states practice statements and felt the nursing practice committee should review the issue further.</p> <p><i>Motion:</i> Christianson, seconded by Traynor to: TABLE THE TOPIC AND REFER TO THE NURSE PRACTICE COMMITTEE FOR FURTHER RESEARCH AND DISCUSSION.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.</p>
7.31 APRN Application – Olson	<p><i>Discussion:</i> The board reviewed a request from Ross Olson, an APRN who is currently certified as an adult nurse practitioner and requests that he be allowed to include infants and pediatric patients in addition to adult patients with orthopedic conditions to his scope of practice. Mr. Olson assists a pediatric orthopedic surgeon who has a pediatric outreach clinic one day per month in Fargo, ND. Mr. Olson does not qualify to sit for the child and adolescent nurse practitioner examination, but has worked with this physician with infants, children and adolescents for the last three years in the state of SD.</p> <p><i>Motion:</i> Christianson, seconded by Traynor to: APPROVE THE EXPANDED SCOPE OF PRACTICE FOR ROSS OLSON RN, ADULT NURSE PRACTITIONER TO INCLUDE ORTHOPEDIC CARE OF INFANTS/CHILDREN/ADOLESCENTS.</p> <p><i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.</p>
7.43 NLCA Meeting – March 7	The board reviewed a Nurse Licensure Compact Fact Sheet for Legislators.

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7.44 2009 Report	The 2009 Report of NLCA Activities and the strategic plan was reviewed.
7.51 Legislative Bills Affecting State Agencies	The board reviewed the bill draft from last session for the Center for Nursing and a draft budget.
7.52.1 Long Term Care Committee	The board reviewed the minutes from the May 6, 2010 meeting of the ND Legislature's Long-Term Care Committee.
7.52.2 Report on Registration of Health Care Professionals Study Workgroup	Darlene Bartz was present to address the board for this agenda item. She discussed the makeup and progress of the Registration of Healthcare Professionals Study Workgroup. Ms. Bartz indicated that the group worked on having a clearer understanding of what the legislature was looking for and to decide if the intent was to have regulation as well as registration of unlicensed assistive persons and medication assistants moved to the Dept of Health. After speaking with legislators, it was noted that the group had the flexibility to decide which groups would be moved, but that there could be no charge for the registry. The registry would be operated with federal and state money. The Department of Health proposes a biennium budget of \$264,578 to regulate and register UAPs and MAs. The board questioned whether the Department of Health would report disciplinary actions to the national practitioner databanks, and Ms. Bartz indicated that they would. Ms. Bartz indicates that the ND Dept of Health felt the current system was working and they realize the huge amount of work they will be taking on, but will do it to the best of their ability if required to do so. She indicated she didn't feel the fiscal note was an issue to the legislators. Ms. Bartz thanked the board for their participation on the committee. She indicated they would be looking to obtain grant money from CMS for criminal history record checks that would cover those costs. Medication Assistant program approval would also be done through the ND Dept of Health. The board could continue to register Medication Assistant III. Representative Kreidt has requested a bill draft be prepared by the end of July.
7.53 Communication with Senators and Representatives	Rustvang indicated he visited with Senator Judy Lee at the Republican Convention. Traynor visited with Senator Lee and Senator Dave Oehlke regarding nursing simulation.
7.6 Website and Renewal	UAP and MA renewal cycle is from April through June.
7.71 Update on staff activities	A list of staff accomplishments for the year was reviewed.
8.32 Prescriptive Authority Applicants ratified on consent agenda	The following applicants have submitted applications for prescriptive authority since the last meeting: SHARON WRIGHT, ANP, APPLETON, WI CP: ROBERT PERCELL, MD JESSICA OLSON, FNP, FARGO, ND CP: NAPOLEON ESPEJO, MD LESLIE KILTS, FNP, FARGO, ND CP: CYNTHIA KNUTSON, MD
9.5 Nurse Practice Committee	<i>Discussion:</i> The board had indicated at the last meeting staff could continue to accept applications to the Nurse Practice Committee (NPC) until the May Board Meeting. One additional application has been received. <i>Motion:</i> Traynor, seconded by Christianson to: RATIFY LOWANN KRUEGER, RN AS A COMMITTEE MEMBER FOR THE NPC 2010-2011 <i>Roll call vote:</i> Anderson, yes; Benson, yes; Christianson, yes; Frank, yes; LaLonde, yes; Rustvang, yes; Sund, yes; Traynor, yes; 8 yes, 0 no, 0 absent. Motion carried.

CONSENT AGENDA:

8.1 NCSBN
8.11 2009 Practice Analysis
8.12 2009 Nursing Knowledge Survey
8.2 Office Management
8.3 Nursing Practice
8.31 Summary of practice calls
8.32 Prescriptive Authority Applications
8.33 CNS Medicaid reimbursement
8.34 Changes in Primary Care
8.35 Request for Practice Statement from Hi-Acres Manor, Jamestown, ND
8.4 Workplace Impairment Program Report
8.41 Statistics
8.5 Unlicensed Assistive Person/Medication Assistant
8.51 Testing Summary Report
8.52 NNAAP Testing
8.53 NNAAP Item Development Applicant
8.6 Licensure
8.61 Licensed Nurse Statistics
8.62 Non-renewal of license

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8.63 NCLEX RN
8.64 NCLEX-PN
8.7 Discipline
8.8 Legal Counsel
8.9 Academic and Continuing Education
8.91 Ratification of approval of continuing education for contact hours
8.92 University of Cincinnati College of Nursing notification of 1 master's WHNP student engaging in clinical education in ND
8.93 Concordia University Wisconsin notification of three master's level NP students engaging in clinical education in ND.
8.94 Revision to approved ongoing CE Course #832 – SANE Training
8.95 Leader-to-Leader Spring 2010
8.96 MSU-M notification of 59 BSN students engaging in clinical education in ND Summer 2010
8.97 MSCTC notification of 81 AASPN students engaging in clinical education in ND Summer 2010

BOARD COMMITTEES:

9.0 Program Monitoring Committee	May 19, 2010 – Anderson gave highlights of the meeting. The committee reviewed the by-law change. The Discipline Monitoring Program was reviewed, and the Workplace Impairment Monitoring Program was reviewed. Five files of each from the encumbrances and WIP program were audited. The group reviewed proposed administrative rule changes related to discipline/WIP.
9.1 Nursing Education Committee	March 10, 2010 (cancelled), May 19, 2010 The committee was updated on simulation and technology, Shanta and Kalanek will be doing a presentation regarding simulation related to the work of the ND Nursing Education Consortium. The committee discussed criminal history record check for schools and talked about out of state school reports and reviewed proposed rules for nursing education and nursing education loans.
9.2 Finance Committee	April 22, 2010 @ 10 a.m. – Reported with Budget 3.0
9.3 Executive Committee	May 20, 2010 @ 12:00 p.m. – Met to review Kalanek 's evaluation.
9.4 Prescriptive Authority Committee	March 11, 2010 – annual meeting
9.5 Nursing Practice Committee	April 21, 2010 – will meet again in June.
9.6 Prescription Drug Monitoring Program Committee	March 26, 2010 – next meeting in July

UPCOMING MEETINGS & REPORT OF MEETINGS ATTENDED:

10.1 National Council of State Boards of Nursing Annual Meeting, August 11-13, 2010 – The board can send two Board Members through NCSBN waiver. let Kalanek know if interested in attending.
10.2 NCSBN Monthly Meetings by teleconference calls and onsite:
10.2-1 Policy Call -
10.2-2 Education Consultants – March 12, April 6, May 12
10.2-3 Discipline Networking Call – April 13, June 8
10.2-4 EO Network – May 17
10.2-5 NLCA Meeting – April 19: March 7, 2010
10.2-6 Mid-Year Meeting – March 13-16, 2011
10.2-7 NCSBN Executive Officers Leadership Seminar – June 22-23
10.2-8 Annual Institute of Regulatory Excellence
10.2-9 IRE Committee – May 11-12, 2010
10.2-10 Attorney/Investigator Symposium – May 24-26
10.2-11 NCLEX Invitational – September 13
10.2-12 Practice Consultant – March 26; April 14
10.2-13 NCLEX Examination Committee
10.2-14 Workshop on Regulation of Unlicensed Assisted Personal (UAP) – June 29-30, 2010
10.2-15 TERCAP User Conference Call - March 16
10.2-16 Uniform Core Licensure Requirements – March 25-26
10.2-17 IT Summit – May 11-12, 2010
10.2-18 IT Summit – 2010 NCSBN Substance Use Disorder Guidelines Forum – April 27 & 28
10.3 ND Nurse Leadership Council, April 9
10.4 ND Organization of Nurse Executives – Feb 5

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10.5 ND Nurses Association
10.6 ND Rural & Public Health Conference – April 13-15, 2010 Electronic records was a huge topic, in addition to tele-medicine.
10.7 ND LTCA Conference - reported on paperless licensure system and on-line education
10.8 ND Health Care Association Annual Meeting
10.9 Center Champion Nursing America Capacity Summit Team – May 25-26
10.10 ND Hospital Tele-Pharmacy Project Report
10.11 Caregiver Services Advisory Committee – March 25
10.12 CNA & UAP Registry Meeting – Feb 2, April 5 & April 23
10.13 Stakeholders Meeting on MSE – January 25

Staff Presentations:

**The meeting recessed for lunch from 11:50 a.m. and reconvened at 1:00 p.m.
The meeting adjourned at 5:05 p.m. on May 20, 2010.**

Constance B. Kalanek, RN, PhD
Executive Director
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